

IN THE CLAIMS

Please amend claims 1 and 7 and cancel claim 8 as follows:

1. (CURRENTLY AMENDED) A reproduction apparatus, comprising:

a read section for reading a first data unit from a recording medium having the first data unit recorded thereon;

a communication section for receiving a second data unit in accordance with a communication condition with a server;

a synthesis section for, when the communication section cannot receive the second data unit in accordance with the communication condition, outputting the first data unit as a first output data unit, and when the communication section can receive the second data unit in accordance with the communication condition, synthesizing the first data unit and the second data unit so as to generate a synthesis data unit and outputting the synthesis data unit as a second output data unit; and

a reproduction section for reproducing the first output data unit and the second output data unit,

wherein the first data unit and the second data unit are constructed so that a sound quality of reproduction of the second output data unit is higher than a sound quality of reproduction of the first output data unit; and

the first data unit and the second data unit originates from a ~~synthesis~~ non hierarchy-encoded data unit.

2. (ORIGINAL) A reproduction apparatus according to claim 1, wherein the read section reads, from the recording medium, an access data unit for requesting the server for transmission of the second data unit.

3. (ORIGINAL) A reproduction apparatus according to claim 1, wherein the first data unit, the second data unit, and the access data unit correspond to a common music program which is common to the first data unit and the second data unit, and the access data unit includes inherent information representing attribute information of the common music program.

4. (ORIGINAL) A reproduction apparatus according to claim 3, wherein:
the recording medium has a plurality of first data units respectively corresponding to a plurality of music programs, and
the reproduction apparatus further includes a selection section for displaying the inherent information of the access data unit corresponding to each of the plurality of music programs and receiving an input for designating the music program based on the inherent information displayed.

5. (ORIGINAL) A reproduction apparatus according to claim 1, wherein:
the recording medium has at least a portion of the second data unit recorded thereon,
the read section reads at least a portion of the first data unit and the at least a portion of the second data unit from the recording medium in at least a portion of a reproduction time period, and
the synthesis section synthesizes the at least a portion of the first data unit and the at least a portion of the second data unit in the at least a portion of the reproduction time period regardless of the communication condition with the server.

6. (ORIGINAL) A reproduction apparatus according to claim 1, wherein the first data unit is divided into a plurality of blocks along a time axis, the second data unit is divided into a plurality of blocks respectively corresponding to the plurality of blocks of the first data unit, and the synthesis section sequentially synthesizes the first data unit and the second data unit on a block-by-block basis.

7. (CURRENTLY AMENDED) A music delivery system comprising:

a reproduction apparatus; and

a server for providing information to the reproduction apparatus,

wherein the reproduction apparatus includes:

a read section for reading a first data unit from a recording medium having the first data unit recorded thereon;

a first communication section for receiving a second data unit in accordance with a communication condition with a server;

a synthesis section for, when the communication section cannot receive the second data unit in accordance with a communication condition, outputting the first data unit as a first output data unit, and when the communication section can receive the second data unit in accordance with a communication condition, synthesizing the first data unit and the second data unit so as to generate a synthesis data unit and outputting the synthesis data unit as a second output data unit; and

a reproduction section for reproducing the first output data unit and the second output data unit,

wherein the server includes:

a storage section for storing the second data unit; and

a second communication section for sending the second data unit to the reproduction apparatus, and

wherein the first data unit and the second data unit are constructed so that a sound quality of reproduction of the second output data unit is higher than a sound quality of reproduction of the first output data unit; and

the first data unit and the second data unit originates from a common hierarchy-encoded data unit.

8. (CANCELED).